

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 S. SEANAH DIXON,
4 (#62866), aka Sean J. Dixon

Plaintiff

Case No. 2:21-cv-02133-APG-VCF

ORDER

5 v.

6 MICHAEL MINEV, *et al.*,

7 Defendants

8
9 S. Seanah Dixon is an inmate in the custody of the Nevada Department of Corrections
10 (NDOC). On December 1, 2021, Dixon submitted a civil rights complaint under 42 U.S.C.
11 § 1983 and filed an application to proceed *in forma pauperis*. ECF Nos. 1-1, 1. The application
12 to proceed *in forma pauperis* is incomplete. Plaintiff did not submit with the application a
13 financial certificate or an inmate account statement for the previous six-month period.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil
15 action in this court may apply to proceed *in forma pauperis* in order to file the civil action
16 without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate
17 must submit all three of the following documents to the court:

18 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this court's
19 approved form (i.e., pages 1 through 3 with the inmate's two signatures on page 3),

20 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
21 official (i.e., page 4 of this court's approved form), and

22 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
23 **six-month period.**

1 Because the application to proceed *in forma pauperis* (ECF No. 1) is incomplete, I deny
2 it without prejudice. I will grant Dixon a **one-time extension** to file a fully complete application
3 containing all three of the required documents. Dixon will file a fully complete application to
4 proceed *in forma pauperis* by **February 4, 2022**. Absent unusual circumstances, I will not grant
5 any further extensions of time. If Dixon does not file a fully complete application to proceed *in*
6 *forma pauperis* with all three required documents by **February 4, 2022**, this case will be subject
7 to dismissal without prejudice for Dixon to file a new case when Dixon is able to acquire all
8 three of the documents needed to file a fully complete application or pay the full \$402 filing fee.

9 A dismissal without prejudice means Dixon does not give up the right to refile the case
10 under a new case number when Dixon has all three documents needed to submit with the
11 application to proceed *in forma pauperis*. Alternatively, Dixon may choose not to file an
12 application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 by **February**
13 **4, 2022** to proceed with this case.

14 I will retain Dixon's civil rights complaint (ECF No. 1-1) but it will not be filed unless
15 and until Dixon timely files a fully complete application to proceed *in forma pauperis* with all
16 three documents or pays the full \$402 filing fee.

17 I THEREFORE ORDER that the plaintiff's application to proceed *in forma pauperis*
18 (ECF No. 1) is denied without prejudice to file a new fully complete application to proceed *in*
19 *forma pauperis* with all three documents.

20 I FURTHER ORDER the Clerk of the Court to send Dixon the approved form application
21 to proceed *in forma pauperis* by an inmate, as well as the document entitled information and
22 instructions for filing an *in forma pauperis* application.
23

1 I FURTHER ORDER that by **February 4, 2022**, Dixon will either pay the full \$402
2 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative fee) or
3 file with the court:

4 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this court's
5 approved form (i.e., pages 1 through 3 of the form with the inmate's two signatures on
6 page 3),

7 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
8 official (i.e., page 4 of this court's approved form), and

9 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
10 **six-month period.**

11 I FURTHER ORDER that, if Dixon does not file a fully complete application to proceed
12 *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action by
13 **February 4, 2022**, this case will be subject to dismissal without prejudice for Dixon to refile the
14 case under a new case number, when Dixon has all three documents needed to file a complete
15 application to proceed *in forma pauperis* or pays the the full \$402 filing fee.

16 I FURTHER ORDER the Clerk of the Court to retain the complaint (ECF No. 1-1) but
17 will not file it at this time.

18 DATED: December 6, 2021.

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21 ANDREW P. GORDON
22 UNITED STATES DISTRICT JUDGE
23